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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

AUG 22 2014

Neeka Thomley, Ricky W. Cochran, Greg Smith,
Aaron McDonald, Dustin Miller, Duane Stringer,
Mike Moran, Justin Lott, Terry Brockway and Breck
Brockway

v.

Synergy Refrigeration, Inc., and Doug Sweet

Plaintiffs

1:14-CV-2745
No.

TWT

Defendants

COMPLAINT

The plaintiffs hereby file this complaint against Synergy Refrigeration, Inc., and Doug Sweet for violations of the overtime provisions of the Fair Labor Standards Act. 29 U.S.C. § 201 *et. seq.*

Jurisdiction

1. This Court has jurisdiction over this matter pursuant to 29 U.S.C. § 1331.

Venue

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1). The defendants reside in the Northern District of Georgia.

Parties

3. The plaintiff Neeka Thomley is a resident of Jackson County, Mississippi.
4. The plaintiff Ricky W. Cochran is a resident of George County, Mississippi.
5. The plaintiff Greg Smith is a resident of George County, Mississippi.
6. The plaintiff Aaron McDonald is a resident of George County, Mississippi.

JURY TRIAL REQUESTED

7. The plaintiff Dustin Miller is a resident of George County, Mississippi.
8. The plaintiff Duane Stringer is a resident of George County, Mississippi.
9. The plaintiff Mike Moran is a resident of George County, Mississippi.
10. The plaintiff Justin Lott is a resident of Pike County, Mississippi.
11. The plaintiff Terry Brockway is a resident of George County, Mississippi.
12. The plaintiff Breck Brockway is a resident of George County, Mississippi.
13. The plaintiffs are all residents of the Southern District of Mississippi.
14. The plaintiffs were employees of the defendants as defined by the Fair Labor Standards Act, 29 USC § 203(d).
15. The defendant Synergy Refrigeration, Inc. is an employer as defined by the Fair Labor Standards Act.
16. As an officer, director and/or manager of the corporate defendant, Doug Sweet, is an employer as defined by the Fair Labor Standards Act.

Facts

17. The defendant is engaged in the business of constructing pipelines at gas refineries in various parts of the United States. The defendant has a large, ongoing contract to do work in Hattiesburg, Mississippi.
18. The plaintiffs were employed by the defendant as welders and pipefitters.
19. The plaintiffs were non-exempt employees under the Fair Labor Standards Act and were entitled to 1½ times their regular rate for all hours worked over 40 in each work week.
20. The defendants paid the plaintiff's only straight time for all hours worked over 40.
21. The plaintiffs regularly worked 70 hours per week. The defendants did not pay them the extra overtime compensation after the 40 hours worked each week.
22. The defendants also failed to make any withholding of taxes and further to make a matching contribution for social security taxes.

Violations of Law

23. The defendants failed to pay the plaintiffs 1½ times their regular rate for overtime hours.

24. The defendants knew they were violating the FLSA.

Request for Relief

25. The plaintiffs request overtime compensation in an amount to be determined at trial.

26. The plaintiffs request an equal amount in liquidated damages, prejudgment interest, costs plus reasonable legal fees.

Dated: Aug. 20th, 2014.

Respectfully submitted,



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